Journal of the House

State of Indiana

122nd General Assembly First Regular Session

The invocation was offered by Chaplain Matt Barnes of the Public Servant's Prayer.

The House convened at 1:30 p.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Vermilion.

The Speaker ordered the roll of the House to be called:

Abbott
Andrade
Austin
Aylesworth
Baird
Barrett
Bartels
Bartlett
Bauer
Behning
Borders
Boy
Brown, T.
Campbell
Carbaugh
Cherry
Clere
Cook
Davis
Davisson □
DeVon
DeLaney
Dvorak
Eberhart
Ellington
Engleman
Errington
Fleming
Frye
GiaQuinta
Goodrich
Gore □
Gutwein □
Hamilton
Harris
Hatcher
Hatfield
Heaton
Heine
Hostettler
Jackson
Jacob
Jeter
Johnson
Jordan
Judy
Karickhoff
King
Klinker
Lauer
Ledbetter
Lehe
Lehman
Leonard
Lindauer
Lucas
Lyness
Manning
May
Mayfield
McNamara
Miller
Moed □
Morris
Morrison
Moseley □
Negele
Nisly
O'Brien
Olthoff
Pack
Payne □
Pfaff
Pierce
Porter
Prescott
Pressel
Pryor
Rowray
Saunders
Schaibley
Shackleford
Slager
Smaltz
Smith, V.
Snow
Soliday
Speedy
Steuerwald
Summers
Teshka □
Thompson
Torr
VanNatter
Vermilion
Wesco
J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 321: 93 present; 7 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused.*]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, April 1, 2021, at 10:30 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

CERTIFICATION OF APPOINTMENT T0 A VACANT STATE LEGISLATIVE OFFICE

TO THE HONORABLE TODD M. HUSTON
SPEAKER OF THE HOUSE OF REPRESENTATIVES:

WHEREAS, A vacancy occurred in the office of Indiana State House District 78, on March 16, 2021, due to the resignation of the Representative Holli Sullivan, who was elected to office as a candidate of the Indiana Republican Party;

WHEREAS, The duly elected and acting state chairman of the Indiana Republican Party set the place, date and time of a caucus comprised of the eligible precinct committeemen from Indiana House District 78 and sent a notice by first class mail to all precinct committeemen in the caucus at least ten (10) days before the date of the meeting, setting forth the purpose, place, date and time of the meeting;

WHEREAS, The state chairman or his duly appointed designee presided over the aforesaid caucus, which was conducted on March 29, 2021;

WHEREAS, The caucus, voting by secret ballot, and a majority vote of those casting a vote for the candidate, selected an individual who resides within Indiana House District 78 to fill this vacancy;

WHEREAS, The individual selected to fill the aforesaid vacancy had filed a declaration of candidacy with the chairman of the caucus, and had previously filed a statement of economic interests under Indiana Code 2-2.1-3-2 with the Principal Clerk of the House of Representatives, at least seventy-two (72) hours before the time fixed for the caucus, all as required by Indiana Code 3-13-5-3;

WHEREAS, Under Indiana Code 3-13-5-6, the state chairman is required to certify the name of the individual selected under Indiana Code 3-13-5-1 to fill this vacancy to the Speaker of the Indiana House of Representatives; and

WHEREAS, Under Indiana Code 3-13-5-6, the Speaker of the Indiana House of Representatives is required to acknowledge receipt of this certification, submit a copy of the certificate to be included in the Journal of the Indiana House of Representatives on the day when the individual is seated, (or if this certificate is received after the adjournment *sine die* of the General Assembly, on the first day that the House of Representatives is in session following receipt of this certificate), and immediately forward the certificate to the Secretary of the State of Indiana: NOW, THEREFORE,

AS THE DULY ELECTED
AND ACTING CHAIRMAN OF THE
INDIANA REPUBLICAN STATE COMMITTEE,

(1) I certify that Tim O'Brien was selected by the aforesaid caucus to fill the vacancy existing in the Office of Indiana House District 78;

(2) I request that the Speaker of the House of Representatives acknowledge receipt of this Certificate by his signature below as provided for by Indiana Code 3-13-5-6;

(3) I request that the Speaker of the House of Representatives include a copy of this Certificate in the Journal of the Indiana House of Representatives as provided in Indiana Code 1-3-5-6; and

(4) I request that this Certificate be immediately forwarded to the Secretary of State, as provided by Indiana Code 3-13-5-6.

CERTIFIED, THIS DAY THE 29TH DAY OF MARCH 29, 2021:

Kyle Hupfer,
Indiana Republican State Chairman

NOTIFICATION TO
SECRETARY OF STATE

March 20, 2021

The Honorable Holli Sullivan
Indiana Secretary of State
201 State House
Indianapolis, IN 46204

Dear Secretary Sullivan:

This is to officially notify you that this office has received from the Chair of the Indiana Republican Committee, a copy of the certification of the election of Tim O'Brien to represent State House District 78, filling the vacancy created by the resignation of Holli Sullivan. Representative Tim O'Brien was duly elected on March 29, 2021, in a caucus of precinct committee persons in District 78.

Sincerely,

Todd M. Huston, Speaker
Indiana House of Representatives

CERTIFICATE OF SELECTION
TO STATE LEGISLATIVE OFFICE

TO THE HONORABLE BRIAN C. BOSMA
SPEAKER OF THE INDIANA
HOUSE OF REPRESENTATIVES

WHEREAS, A vacancy occurred in the office of Indiana State Representative, District 78, due to the resignation of Holli Sullivan, who was elected to that office as a candidate of the Indiana Republican Party;

WHEREAS, On March 29, 2021, a caucus composed of Republican Party precinct committeemen from Indiana House District 78 selected Tim O'Brien to fill the vacancy in Indiana House District 78;

WHEREAS, Kyle Hupfer, Chairman of the Indiana Republican Party, certified the selection of Tim O'Brien to fill the vacancy in office of Indiana State Representative, District 78, to the Speaker of the House of Representatives and the Speaker of the House Representatives acknowledged receipt of the certification;

WHEREAS, The Speaker of the House of Representatives forwarded the aforesaid certification to the Secretary of State, in accordance with Indiana Code 3-13-5-6; and

WHEREAS, Pursuant to Indiana Code 3-13-5-7, the Secretary of State is required to certify the individual selected to fill a vacant legislative office: NOW, THEREFORE,

AS THE DULY ELECTED AND ACTING INDIANA SECRETARY OF STATE, I certify that the Honorable Tim O'Brien has been selected to fill the vacancy existing in the office of Indiana State Representative, District 78.

Given under my hand and the Seal of the State of Indiana, at the City of Indianapolis, this seventh day of April, 2021, being the 244th year of the Independence of the United States, and the 204th year of the Statehood of Indiana.

HOLLI SULLIVAN
Indiana Secretary of State

Representative-elect Tim O'Brien was sworn into office on March 30, 2021 by Chief Justice Loretta Rush. The oath of office is: "I, Tim O'Brien, do solemnly swear that I will support the Constitution of the United States of America and the Constitution of the State of Indiana, and that I will faithfully and impartially discharge my duties as a member of the House of Representatives of the General Assembly of the State of Indiana to the best of my skill and ability, so help me God."

Sworn before me, Chief Justice Loretta Rush, this thirtieth day of March, 2021.

RESOLUTIONS ON FIRST READING

House Resolution 28

Representatives Barrett, Fleming and T. Brown introduced House Resolution 28:

A HOUSE RESOLUTION honoring doctors on March 30, National Doctors' Day.

Whereas, National Doctors' Day is an international celebration of physicians and their contributions to the health and wellness of their communities;

Whereas, The United States Senate and House of Representatives passed S.J. RES. #366 during the 101st United States Congress, which President George H. W. Bush signed on October 30, 1990, designating National Doctors' Day to be celebrated annually on March 30;

Whereas, Approximately 17,384 physicians practice across the state of Indiana;

Whereas, Hoosier doctors must complete a four year undergraduate degree, followed by a four year doctoral program and three to eight year residency and fellowship program, including up to 16,000 hours of clinical training to prepare for medical practice;

Whereas, Hoosier doctors are committed to leading teams of medical professionals in the delivery of patient care to provide the highest level of health care. Their actions help protect patients from harm, prevent unnecessary procedures, and control costs;

Whereas, Physicians in Indiana are a major driver of the state economy, spurring economic growth and creating jobs. Data from 2018 shows more than 157,000 Hoosiers are employed due to physicians in medical services, pumping $26.4 *billion dollars into Indiana's economy and contributing $895.5 million dollars to state and local tax revenue; and*

Whereas, It is fitting that the more than 17,000 working physicians in Indiana, whether they have been battling on the front lines of the COVID-19 pandemic or caring for the everyday health of their patients, are recognized and honored for their efforts in serving their patients, their communities, and the state of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives honors Indiana's doctors on National Doctors' Day, March 30, 2021.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Brad Barrett for distribution.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions and Insurance, to which was referred Senate Bill 143, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10-8-17.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 17.5. (a) This section applies to a contract between a public employer and a pharmacy benefit manager (as defined in IC 27-1-24.5-12) with an effective date after December 31, 2021.**

(b) As used in this section, "public employer" means the state or a local unit, including any board, commission, department, division, authority, institution, establishment, facility, or governmental unit under the supervision of either, having a payroll in relation to persons it immediately employs, even if it is not a separate taxing unit. The term includes a state educational institution (as defined in IC 21-7-13-32).

(c) A public employer may procure the services of a pharmacy benefit manager to administer the prescription drug benefit for a group health plan using a reverse auction (as defined in IC 5-22-2-28.5) through the process described in IC 5-22-7.5. A public employer may procure the services of a vendor to provide the technology platform to conduct the reverse auction.

SECTION 2. IC 12-15-13.6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 13.6. Audit of Prescription Drug Cost Sharing

Sec. 1. Once every three (3) state fiscal years:

(1) the auditor of state; or

(2) an independent auditor with experience auditing expenses related to prescription drugs that is hired by the auditor of state;

shall conduct an audit examining prescription drug cost sharing for the Medicaid program.

Sec. 2. For an audit conducted under section 1 of this chapter, the audit look back period must be the previous three (3) state fiscal years.

Sec. 3. An audit conducted under section 1 of this chapter must evaluate all prescription drug cost sharing for the Medicaid program for the audit look back period, including for prescription drugs paid for directly by the Medicaid program and prescription drugs paid for by managed care organizations.

Sec. 4. The results of an audit conducted under section 1 of this chapter must be provided to the office of the secretary.

SECTION 3. IC 27-1-24.4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 24.4. Reverse Auctions

Sec. 1. This chapter applies to a contract between a self-funded plan and a pharmacy benefit manager (as defined in IC 27-1-24.5-12) with an effective date after December 31, 2021.

Sec. 2. As used in this chapter, "self-funded plan" means a self-funded health benefit plan that complies with the federal Employee Retirement Income Security Act (ERISA) of 1974 (29 U.S.C. 1001 et seq.).

Sec. 3. A self-funded plan may procure the services of a pharmacy benefit manager to administer the prescription drug benefit for the plan using a reverse auction (as defined in IC 5-22-2-28.5) through the process described in IC 5-22-7.5. A self-funded plan may procure the services of a vendor to provide the technology platform to conduct the reverse auction.".

Page 2, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 5. IC 27-1-24.5-19.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 19.7. (a) A pharmacy benefit manager shall perform its contractual duties in good faith and in observance of reasonable commercial standards of fair dealing. This requirement may not be waived or limited by contract.**

(b) A pharmacy benefit manager shall immediately provide written notice to a health plan with which it has a contract if any activity, policy, or practice of the pharmacy benefit manager presents a conflict of interest with its contractual duties or the requirements of subsection (a).".

Page 3, delete lines 26 through 42, begin a new line double block indented and insert:

"**(B) Provide the appealing contracted pharmacy, pharmacy services administrative organization, or group purchasing organization with the national drug code number of the prescription drug that is available from a national or regional wholesaler operating in Indiana.**".

Page 4, delete line 1.

Page 5, between lines 22 and 23, begin a new paragraph and insert:

"**(c) A pharmacy benefit manager that receives written notice of a complaint filed under this section shall promptly conduct an investigation of the matters alleged in the complaint. Not later than twenty (20) business days after the date of the complaint, the pharmacy benefit manager shall provide to the department and the complaining party a written report containing the following information:**

(1) The specific actions taken by the pharmacy benefit manager with respect to:

(A) the appeal, for a complaint filed under subsection (a); or

(B) the contract, for a complaint filed under subsection (b).

(2) A good faith estimate of the time required for a resolution of the complaint.

(d) If an independent pharmacy believes that its contract with a pharmacy services administrative organization contains an unfair, unjust, or unlawful contractual

provision regarding reimbursement rates, the independent pharmacy may file a complaint with the department.".

Page 5, line 23, delete "(c)" and insert "**(e)**".

Page 5, after line 24, begin a new paragraph and insert:

"SECTION 8. IC 27-1-24.5-29 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 6, 2020 (RETROACTIVE)]: **Sec. 29. A pharmacy benefit manager may not require a pharmacy to obtain a signature from an individual for a prescription or immunization during a public health emergency declared under IC 10-14-3-12.**

SECTION 9. [EFFECTIVE UPON PASSAGE] **(a) There is appropriated to the department of insurance six hundred thousand dollars ($600,000) from the state general fund for the purpose of administering IC 27-1-24.5 regarding pharmacy benefit managers beginning July 1, 2021, and ending June 30, 2023.**

(b) This SECTION expires July 1, 2023.

SECTION 10. [EFFECTIVE UPON PASSAGE] **(a) The legislative services agency shall conduct a study of market concentration in Indiana in the following:**

(1) The health insurance industry.
(2) The hospital industry.
(3) The professions of licensed health care practitioners.
(4) The retail pharmaceutical industry.
(5) The pharmacy benefit manager industry.
(6) The pharmacy services administrative organization industry, including its relationship to pharmaceutical wholesalers.

(b) Before September 1, 2022, the legislative services agency shall present the findings of the study conducted under subsection (a) in an electronic format under IC 5-14-6 to the following:

(1) The combined interim study committees on:
(A) financial institutions and insurance; and
(B) public health, behavioral health, and human services;
established by IC 2-5-1.3-4.
(2) The legislative council.
(3) The office of the governor.

(c) This SECTION expires January 1, 2024.

SECTION 11. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 143 as printed February 19, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

CARBAUGH, Chair

Report adopted.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1030 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

AYLESWORTH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1123 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1125 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1353 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

SPEEDY

Motion prevailed.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 69

Representative Slager called down Engrossed Senate Bill 69 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 69–1)

Mr. Speaker: I move that Engrossed Senate Bill 69 be amended to read as follows:

Page 2, line 35, after "owner" insert "**provides all of the information available to the registered owner regarding the person who may be responsible for committing the violation under subsection (f), and the registered owner**".

Page 2, line 36, after "investigation" insert "**, apprehension,**".

Page 2, line 36, after "prosecution of" insert "**the person who commits**".

(Reference is to ESB 69 as printed March 25, 2021.)

SLAGER

The Speaker ordered a division of the House and appointed Representatives Lehman and GiaQuinta to count the yeas and nays. Yeas 48, nays 44. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 232

Representative Judy called down Engrossed Senate Bill 232 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 232–4)

Mr. Speaker: I move that Engrossed Senate Bill 232 be amended to read as follows:

Page 2, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 3. IC 5-10-13-5, AS AMENDED BY P.L.112-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) ~~Except as provided in section 6 of this chapter,~~ An employee who:

(1) is diagnosed with a health condition caused by an exposure risk disease that:
(A) requires medical treatment; and
(B) results in total or partial disability or death;
(2) by written affidavit has provided to the employee's employer a verification described in subsection (b), (c), (d), (e), or (f); and
(3) before the employee is diagnosed with a health condition caused by hepatitis or tuberculosis, tests negative for evidence of hepatitis or tuberculosis through medical testing;

is presumed to have a disability or death incurred in the line of duty.

(b) An employee who is diagnosed with a health condition caused by hepatitis and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee has not:

(1) outside the scope of the employee's current employment, been exposed through transfer of body fluids to an individual known to have a medical condition caused by hepatitis;
(2) received blood products other than a transfusion received because of an injury to the employee that occurred in the scope of the employee's current employment;
(3) received blood products for the treatment of a coagulation disorder since testing negative for hepatitis;
(4) engaged in sexual practices or other behavior identified as high risk by the Centers for Disease Control and Prevention or the Surgeon General of the United States;
(5) had sexual relations with another individual known to the employee to have engaged in sexual practices or other behavior described in subdivision (4); or
(6) used intravenous drugs that were not prescribed by a physician.

(c) An employee who is diagnosed with a health condition caused by meningococcal meningitis and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee, in the ten (10) days immediately preceding the diagnosis, was not exposed to another individual known to:

(1) have meningococcal meningitis; or
(2) be an asymptomatic carrier of meningococcal meningitis;

outside the scope of the employee's current employment.

(d) An employee who is diagnosed with a health condition caused by tuberculosis and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee has not, outside the scope of the employee's current employment, been exposed to another individual known to have tuberculosis.

(e) An employee who is diagnosed with a health condition caused by HIV and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee has not:

(1) outside the scope of the employee's current employment, been exposed through transfer of body fluids to an individual known to have a medical condition caused by HIV;
(2) received blood products other than a transfusion received because of an injury to the employee that occurred in the scope of the employee's current employment;
(3) received blood products for the treatment of a coagulation disorder since testing negative for HIV;
(4) engaged in sexual practices or other behavior identified as high risk by the Centers for Disease Control and Prevention or the Surgeon General of the United States;
(5) had sexual relations with another individual known to the employee to have engaged in sexual practices or other behavior described in subdivision (4); or
(6) used intravenous drugs that were not prescribed by a physician.

(f) An employee who is diagnosed with a health condition caused by smallpox and, if the health condition results in disability or death, wishes to have a presumption of disability or death incurred in the line of duty apply to the employee shall, by written affidavit executed before death, provide verification that the employee has not, outside the scope of the employee's current employment, been exposed to another individual known to have smallpox.

(g) A presumption of disability or death incurred in the line of duty may be rebutted by competent evidence.

(h) A meeting or hearing held to rebut a presumption of disability or death incurred in the line of duty may be held as an executive session under IC 5-14-1.5-6.1(b)(1).

SECTION 4. IC 5-10-13-6 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 6. If a standard, medically recognized vaccine or other measure exists for the prevention of an exposure risk disease and the vaccine or other measure is medically indicated for an employee according to immunization policies established by the Advisory Committee on Immunization Practices of the United States Public Health Service, the following apply:~~

~~(1) If:~~
~~(A) the employee receives the vaccine or other measure as required by the employee's employer; or~~
~~(B) the employee's physician provides written notice to the employer that the vaccine or other measure would pose a significant risk to the employee's health;~~
~~and the employee meets the other requirements of this chapter, a presumption of disability or death incurred in the line of duty under this chapter applies to the employee.~~
~~(2) If:~~
~~(A) the employee does not receive the vaccine or other measure as required by the employee's employer; and~~
~~(B) the employee's physician has not provided written notice that the vaccine or other measure would pose a significant risk to the employee's health;~~
~~a presumption of disability or death incurred in the line of duty under this chapter does not apply to the employee.~~".

Renumber all SECTIONS consecutively.
(Reference is to ESB 232 as printed March 25, 2021.)

FRYE

Motion prevailed. The bill was ordered engrossed.

Representative Moed, who had been excused, is now present.

Engrossed Senate Bill 275

Representative T. Brown called down Engrossed Senate Bill 275 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 275–1)

Mr. Speaker: I move that Engrossed Senate Bill 275 be amended to read as follows:

Page 1, line 3, delete "This section" and insert "**(a) This section applies to a real property assessment of commercial real property used for retail purposes:**

(1) for the 2022 assessment date and assessment dates thereafter; and
(2) if the commercial real property is occupied by the original owner or by a tenant for which the improvement was built.

(b) This section does not apply to real property described in subsection (a) if the real property is sold:

(1) by the original owner for which the improvement was built; and
(2) to a subsequent purchaser in an arms length transaction.

(c) This subsection".

Renumber all SECTIONS consecutively.
(Reference is to ESB 275 as printed March 25, 2021.)
THOMPSON

Motion prevailed.

HOUSE MOTION
(Amendment 275–3)

Mr. Speaker: I move that Engrossed Senate Bill 275 be amended to read as follows:

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-12-9, AS AMENDED BY P.L.159-2020, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) An individual may obtain a deduction from the assessed value of the individual's real property, or mobile home or manufactured home which is not assessed as real property, if:

(1) the individual is at least sixty-five (65) years of age on or before December 31 of the calendar year preceding the year in which the deduction is claimed;

(2) for assessment dates before January 1, 2020, the combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) of:

(A) the individual and the individual's spouse; or

(B) the individual and all other individuals with whom:

(i) the individual shares ownership; or

(ii) the individual is purchasing the property under a contract;

as joint tenants or tenants in common;

for the calendar year preceding the year in which the deduction is claimed did not exceed twenty-five thousand dollars ($25,000);

(3) for assessment dates after December 31, 2019:

(A) the individual had, in the case of an individual who filed a single return, adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding thirty thousand dollars ($30,000);

(B) the individual had, in the case of an individual who filed a joint income tax return with the individual's spouse, combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding forty thousand dollars ($40,000); or

(C) the combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) of the individual and all other individuals with whom:

(i) the individual shares ownership; or

(ii) the individual is purchasing the property under a contract;

as joint tenants or tenants in common did not exceed forty thousand dollars ($40,000);

for the calendar year preceding by two (2) years the calendar year in which the property taxes are first due and payable;

(4) the individual has owned the real property, mobile home, or manufactured home for at least one (1) year before claiming the deduction; or the individual has been buying the real property, mobile home, or manufactured home under a contract that provides that the individual is to pay the property taxes on the real property, mobile home, or manufactured home for at least one (1) year before claiming the deduction, and the contract or a memorandum of the contract is recorded in the county recorder's office;

(5) for assessment dates:

(A) before January 1, 2020, the individual and any individuals covered by subdivision (2)(B) reside on the real property, mobile home, or manufactured home; or

(B) after December 31, 2019, the individual and any individuals covered by subdivision (3)(C) reside on the real property, mobile home, or manufactured home;

(6) except as provided in subsection (i), the assessed value of the real property, mobile home, or manufactured home does not exceed two hundred thousand dollars ($200,000).

(7) the individual receives no other property tax deduction for the year in which the deduction is claimed, except the deductions provided by sections 1, 37, ~~(for assessment dates after February 28, 2008) 37.5,~~ and 38 of this chapter; and

(8) the person:

(A) owns the real property, mobile home, or manufactured home; or

(B) is buying the real property, mobile home, or manufactured home under contract;

on the date the statement required by section 10.1 of this chapter is filed.

(b) Except as provided in subsection (h), in the case of real property, an individual's deduction under this section equals the lesser of:

(1) one-half (1/2) of the assessed value of the real property; or

(2) fourteen thousand dollars ($14,000).

(c) Except as provided in subsection (h) and section 40.5 of this chapter, in the case of a mobile home that is not assessed as real property or a manufactured home which is not assessed as real property, an individual's deduction under this section equals the lesser of:

(1) one-half (1/2) of the assessed value of the mobile home or manufactured home; or

(2) fourteen thousand dollars ($14,000).

(d) An individual may not be denied the deduction provided under this section because the individual is absent from the real property, mobile home, or manufactured home while in a nursing home or hospital.

(e) For purposes of this section, if real property, a mobile home, or a manufactured home is owned by:

(1) tenants by the entirety;

(2) joint tenants; or

(3) tenants in common;

only one (1) deduction may be allowed. However, the age requirement is satisfied if any one (1) of the tenants is at least sixty-five (65) years of age.

(f) A surviving spouse is entitled to the deduction provided by this section if:

(1) the surviving spouse is at least sixty (60) years of age on or before December 31 of the calendar year preceding the year in which the deduction is claimed;

(2) the surviving spouse's deceased husband or wife was at least sixty-five (65) years of age at the time of a death;

(3) the surviving spouse has not remarried; and

(4) the surviving spouse satisfies the requirements prescribed in subsection (a)(2) through (a)(8).

(g) An individual who has sold real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property may not claim the deduction provided under this section against that real property.

(h) In the case of tenants covered by subsection (a)(2)(B) or (a)(3)(C), if all of the tenants are not at least sixty-five (65) years of age, the deduction allowed under this section shall be reduced by an amount equal to the deduction multiplied by a fraction. The numerator of the fraction is the number of tenants who are not at least sixty-five (65) years of age, and the denominator is the total number of tenants.

(i) For purposes of determining the assessed value of the real property, mobile home, or manufactured home under subsection (a)(6) for an individual who has received a deduction under this section in a particular year, increases in assessed value that occur after the later of:

(1) December 31, 2019; or

(2) the first year that the individual has received the deduction;

are not considered unless the increase in assessed value is attributable to physical improvements to the property.

SECTION 3. IC 6-1.1-12-37, AS AMENDED BY P.L.156-2020, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 37. (a) The following definitions apply throughout this section:

(1) "Dwelling" means any of the following:

(A) Residential real property improvements that an individual uses as the individual's residence, including a house or garage.

(B) A mobile home that is not assessed as real property that an individual uses as the individual's residence.

(C) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.

(2) "Homestead" means an individual's principal place of residence:

(A) that is located in Indiana;

(B) that:

(i) the individual owns;

(ii) the individual is buying under a contract recorded in the county recorder's office, or evidenced by a memorandum of contract recorded in the county recorder's office under IC 36-2-11-20, that provides that the individual is to pay the property taxes on the residence, and that obligates the owner to convey title to the individual upon completion of all of the individual's contract obligations;

(iii) the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216) of a cooperative housing corporation (as defined in 26 U.S.C. 216); or

(iv) is a residence described in section 17.9 of this chapter that is owned by a trust if the individual is an individual described in section 17.9 of this chapter; and

(C) that consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

Except as provided in subsection (k), the term does not include property owned by a corporation, partnership, limited liability company, or other entity not described in this subdivision.

(b) Each year a homestead is eligible for a standard deduction from the assessed value of the homestead for an assessment date. Except as provided in subsection (p), the deduction provided by this section applies to property taxes first due and payable for an assessment date only if an individual has an interest in the homestead described in subsection (a)(2)(B) on:

(1) the assessment date; or

(2) any date in the same year after an assessment date that a statement is filed under subsection (e) or section 44 of this chapter, if the property consists of real property.

If more than one (1) individual or entity qualifies property as a homestead under subsection (a)(2)(B) for an assessment date, only one (1) standard deduction from the assessed value of the homestead may be applied for the assessment date. Subject to subsection (c), the auditor of the county shall record and make the deduction for the individual or entity qualifying for the deduction.

(c) ~~Except as provided in section 40.5 of this chapter,~~ The total amount of the deduction that a person may receive under this section for a particular year is **one hundred percent (100%) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property.** ~~the lesser of:~~

~~(1) sixty percent (60%) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or~~

~~(2) forty-five thousand dollars ($45,000).~~

(d) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

(e) Except as provided in sections 17.8 and 44 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by this section must file a certified statement on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement must include:

(1) the parcel number or key number of the property and the name of the city, town, or township in which the property is located;

(2) the name of any other location in which the applicant or the applicant's spouse owns, is buying, or has a beneficial interest in residential real property;

(3) the names of:

(A) the applicant and the applicant's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is an individual; or

(B) each individual who qualifies property as a homestead under subsection (a)(2)(B) and the individual's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is not an individual; and

(4) either:

(A) the last five (5) digits of the applicant's Social Security number and the last five (5) digits of the Social Security number of the applicant's spouse (if any); or

(B) if the applicant or the applicant's spouse (if any) does not have a Social Security number, any of the following for that individual:

(i) The last five (5) digits of the individual's driver's license number.

(ii) The last five (5) digits of the individual's state identification card number.

(iii) The last five (5) digits of a preparer tax identification number that is obtained by the individual through the Internal Revenue Service of the United States.

(iv) If the individual does not have a driver's license, a state identification card, or an Internal Revenue Service preparer tax identification number, the last five (5) digits of a control number that is on a document issued to the individual by the United States government.

If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or part or all of the Social Security number of a party or other number described in subdivision (4)(B) of a party, the telephone number and the Social Security number or other number described in subdivision (4)(B) included are confidential. The statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the deduction is allowed. To obtain the deduction for a desired calendar year in which property taxes are first due and payable, the statement must be completed and dated in the immediately preceding calendar year and filed with the county auditor on or before January 5 of the calendar year in which the property taxes are first due and payable.

(f) Except as provided in subsection (n), if a person who is receiving, or seeks to receive, the deduction provided by this section in the person's name:

(1) changes the use of the individual's property so that part or all of the property no longer qualifies for the deduction under this section; or

(2) is not eligible for a deduction under this section because the person is already receiving:

(A) a deduction under this section in the person's name as an individual or a spouse; or

(B) a deduction under the law of another state that is equivalent to the deduction provided by this section;

the person must file a certified statement with the auditor of the county, notifying the auditor of the person's ineligibility, not more than sixty (60) days after the date of the change in eligibility. A person who fails to file the statement required by this subsection may, under IC 6-1.1-36-17, be liable for any additional taxes that would have been due on the property if the person had filed the statement as required by this subsection plus a civil penalty equal to ten percent (10%) of the additional taxes due. The civil penalty imposed under this subsection is in addition to any interest and penalties for a delinquent payment that might otherwise be due. One percent (1%) of the total civil penalty collected under this subsection shall be transferred by the county to the department of local government finance for use by the department in establishing and maintaining the homestead property data base under subsection (i) and, to the extent there is money remaining, for any other purposes of the department. This amount becomes part of the property tax liability for purposes of this article.

(g) The department of local government finance may adopt rules or guidelines concerning the application for a deduction under this section.

(h) This subsection does not apply to property in the first year for which a deduction is claimed under this section if the sole reason that a deduction is claimed on other property is that the individual or married couple maintained a principal residence at the other property on the assessment date in the same year in which an application for a deduction is filed under this section or, if the application is for a homestead that is assessed as personal property, on the assessment date in the immediately preceding year and the individual or married couple is moving the individual's or married couple's principal residence to the property that is the subject of the application. Except as provided in subsection (n), the county auditor may not grant an individual or a married couple a deduction under this section if:

(1) the individual or married couple, for the same year, claims the deduction on two (2) or more different applications for the deduction; and

(2) the applications claim the deduction for different property.

(i) The department of local government finance shall provide secure access to county auditors to a homestead property data base that includes access to the homestead owner's name and the numbers required from the homestead owner under subsection (e)(4) for the sole purpose of verifying whether an owner is wrongly claiming a deduction under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or IC 6-3.6-5 (after December 31, 2016). Each county auditor shall submit data on deductions applicable to the current tax year on or before March 15 of each year in a manner prescribed by the department of local government finance.

(j) A county auditor may require an individual to provide evidence proving that the individual's residence is the individual's principal place of residence as claimed in the certified statement filed under subsection (e). The county auditor may limit the evidence that an individual is required to submit to a state income tax return, a valid driver's license, or a valid voter registration card showing that the residence for which the deduction is claimed is the individual's principal place of residence. The department of local government finance shall work with county auditors to develop procedures to determine whether a property owner that is claiming a standard deduction or homestead credit is not eligible for the standard deduction or homestead credit because the property owner's principal place of residence is outside Indiana.

(k) As used in this section, "homestead" includes property that satisfies each of the following requirements:

(1) The property is located in Indiana and consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

(2) The property is the principal place of residence of an individual.

(3) The property is owned by an entity that is not described in subsection (a)(2)(B).

(4) The individual residing on the property is a shareholder, partner, or member of the entity that owns the property.

(5) The property was eligible for the standard deduction under this section on March 1, 2009.

(l) If a county auditor terminates a deduction for property described in subsection (k) with respect to property taxes that are:

(1) imposed for an assessment date in 2009; and

(2) first due and payable in 2010;

on the grounds that the property is not owned by an entity described in subsection (a)(2)(B), the county auditor shall reinstate the deduction if the taxpayer provides proof that the property is eligible for the deduction in accordance with subsection (k) and that the individual residing on the property is not claiming the deduction for any other property.

(m) For assessment dates after 2009, the term "homestead" includes:

(1) a deck or patio;

(2) a gazebo; or

(3) another residential yard structure, as defined in rules adopted by the department of local government finance (other than a swimming pool);

that is assessed as real property and attached to the dwelling.

(n) A county auditor shall grant an individual a deduction under this section regardless of whether the individual and the individual's spouse claim a deduction on two (2) different applications and each application claims a deduction for different property if the property owned by the individual's spouse is located outside Indiana and the individual files an affidavit with the county auditor containing the following information:

(1) The names of the county and state in which the individual's spouse claims a deduction substantially similar to the deduction allowed by this section.

(2) A statement made under penalty of perjury that the following are true:

(A) That the individual and the individual's spouse maintain separate principal places of residence.

(B) That neither the individual nor the individual's spouse has an ownership interest in the other's principal place of residence.

(C) That neither the individual nor the individual's spouse has, for that same year, claimed a standard or substantially similar deduction for any property other than the property maintained as a principal place of residence by the respective individuals.

A county auditor may require an individual or an individual's spouse to provide evidence of the accuracy of the information contained in an affidavit submitted under this subsection. The evidence required of the individual or the individual's spouse may include state income tax returns, excise tax payment information, property tax payment information, driver license information, and voter registration information.

(o) If:

(1) a property owner files a statement under subsection (e) to claim the deduction provided by this section for a particular property; and

(2) the county auditor receiving the filed statement determines that the property owner's property is not eligible for the deduction;

the county auditor shall inform the property owner of the county auditor's determination in writing. If a property owner's property is not eligible for the deduction because the county auditor has determined that the property is not the property owner's principal place of residence, the property owner may appeal the county auditor's determination as provided in IC 6-1.1-15. The county auditor shall inform the property owner of the owner's right to appeal when the county auditor informs the property owner of the county auditor's determination under this subsection.

(p) An individual is entitled to the deduction under this section for a homestead for a particular assessment date if:

(1) either:

(A) the individual's interest in the homestead as described in subsection (a)(2)(B) is conveyed to the individual after the assessment date, but within the calendar year in which the assessment date occurs; or

(B) the individual contracts to purchase the homestead after the assessment date, but within the calendar year in which the assessment date occurs;

(2) on the assessment date:

(A) the property on which the homestead is currently located was vacant land; or

(B) the construction of the dwelling that constitutes the homestead was not completed; and

(3) either:

(A) the individual files the certified statement required by subsection (e); or

(B) a sales disclosure form that meets the requirements of section 44 of this chapter is submitted to the county assessor on or before December 31 of the calendar year for the individual's purchase of the homestead.

An individual who satisfies the requirements of subdivisions (1) through (3) is entitled to the deduction under this section for the homestead for the assessment date, even if on the assessment date the property on which the homestead is currently located was vacant land or the construction of the dwelling that constitutes the homestead was not completed. The county auditor shall apply the deduction for the assessment date and for the assessment date in any later year in which the homestead remains eligible for the deduction. A homestead that qualifies for the deduction under this section as provided in this subsection is considered a homestead for purposes of ~~section 37.5 of this chapter and~~ IC 6-1.1-20.6.

(q) This subsection applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013. Notwithstanding any other provision of this section, an individual buying a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property under a contract providing that the individual is to pay the property taxes on the mobile home or manufactured home is not entitled to the deduction provided by this section unless the parties to the contract comply with IC 9-17-6-17.

(r) This subsection:

(1) applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013; and

(2) does not apply to an individual described in subsection (q).

The owner of a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property must attach a copy of the owner's title to the mobile home or manufactured home to the application for the deduction provided by this section.

(s) For assessment dates after 2013, the term "homestead" includes property that is owned by an individual who:

(1) is serving on active duty in any branch of the armed forces of the United States;

(2) was ordered to transfer to a location outside Indiana; and

(3) was otherwise eligible, without regard to this subsection, for the deduction under this section for the property for the assessment date immediately preceding the transfer date specified in the order described in subdivision (2).

For property to qualify under this subsection for the deduction provided by this section, the individual described in subdivisions (1) through (3) must submit to the county auditor a copy of the individual's transfer orders or other information sufficient to show that the individual was ordered to transfer to a location outside Indiana. The property continues to qualify for the deduction provided by this section until the individual ceases to be on active duty, the property is sold, or the individual's ownership interest is otherwise terminated, whichever occurs first. Notwithstanding subsection (a)(2), the property remains a homestead regardless of whether the property continues to be the individual's principal place of residence after the individual transfers to a location outside Indiana. The property continues to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana and is serving on active duty, if the individual has lived at the property at any time during the past ten (10) years. Otherwise, the property ceases to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana. ~~Property that qualifies as a homestead under this subsection shall also be construed as a homestead for purposes of section 37.5 of this chapter.~~

SECTION 4. IC 6-1.1-12-37.5 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 37.5. (a) A person who is entitled to a standard deduction from the assessed value of property under section 37 of this chapter is also entitled to receive a supplemental deduction from the assessed value of the homestead to which the standard deduction applies after the application of the standard deduction but before the application of any other deduction, exemption, or credit for which the person is eligible.~~

~~(b) The amount of the deduction under this section is equal to the sum of the following:~~

~~(1) Thirty-five percent (35%) of the assessed value determined under subsection (a) that is not more than six hundred thousand dollars ($600,000).~~

~~(2) Twenty-five percent (25%) of the assessed value determined under subsection (a) that is more than six hundred thousand dollars ($600,000).~~

~~(c) The auditor of the county shall record and make the deduction for the person qualifying for the deduction.~~

~~(d) The deduction granted under this section shall not be considered in applying section 40.5 of this chapter to the deductions applicable to property. Section 40.5 of this chapter does not apply to the deduction granted under this section.~~

SECTION 5. IC 6-1.1-12-40.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 40.5. Notwithstanding any other provision **other than section 37 of this chapter,** the sum of the deductions provided under this chapter to a mobile home that is not assessed as real property or to a manufactured home that is not assessed as real property may not exceed one-half (1/2) of the assessed value of the mobile home or manufactured home.

SECTION 6. IC 6-1.1-12-43, AS AMENDED BY P.L.214-2019, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 43. (a) For purposes of this section:

(1) "benefit" refers to a deduction under section 1, 9, 11, 13, 14, 16, 17.4 (before its expiration), 26, 29, 33, 34, **or** 37 ~~or 37.5~~ of this chapter;
(2) "closing agent" means a person that closes a transaction;
(3) "customer" means an individual who obtains a loan in a transaction; and
(4) "transaction" means a single family residential:
(A) first lien purchase money mortgage transaction; or
(B) refinancing transaction.

(b) Before closing a transaction after December 31, 2004, a closing agent must provide to the customer the form referred to in subsection (c).

(c) Before June 1, 2004, the department of local government finance shall prescribe the form to be provided by closing agents to customers under subsection (b). The department shall make the form available to closing agents, county assessors, county auditors, and county treasurers in hard copy and electronic form. County assessors, county auditors, and county treasurers shall make the form available to the general public. The form must:

(1) on one (1) side:
(A) list each benefit;
(B) list the eligibility criteria for each benefit; and
(C) indicate that a new application for a deduction under section 1 of this chapter is required when residential real property is refinanced;
(2) on the other side indicate:
(A) each action by and each type of documentation from the customer required to file for each benefit; and
(B) sufficient instructions and information to permit a party to terminate a standard deduction under section 37 of this chapter on any property on which the party or the spouse of the party will no longer be eligible for the standard deduction under section 37 of this chapter after the party or the party's spouse begins to reside at the property that is the subject of the closing, including an explanation of the tax consequences and applicable penalties, if a party unlawfully claims a standard deduction under section 37 of this chapter; and
(3) be printed in one (1) of two (2) or more colors prescribed by the department of local government finance that distinguish the form from other documents typically used in a closing referred to in subsection (b).

(d) A closing agent:

(1) may reproduce the form referred to in subsection (c);
(2) in reproducing the form, must use a print color prescribed by the department of local government finance; and
(3) is not responsible for the content of the form referred to in subsection (c) and shall be held harmless by the department of local government finance from any liability for the content of the form.

(e) This subsection applies to a transaction that is closed after December 31, 2009. In addition to providing the customer the form described in subsection (c) before closing the transaction, a closing agent shall do the following as soon as possible after the closing, and within the time prescribed by the department of insurance under IC 27-7-3-15.5:

(1) To the extent determinable, input the information described in IC 27-7-3-15.5(c)(2) into the system maintained by the department of insurance under IC 27-7-3-15.5.
(2) Submit the form described in IC 27-7-3-15.5(c) to the data base described in IC 27-7-3-15.5(c)(2)(D).

(f) A closing agent to which this section applies shall document the closing agent's compliance with this section with respect to each transaction in the form of verification of compliance signed by the customer.

(g) Subject to IC 27-7-3-15.5(d), a closing agent is subject to a civil penalty of twenty-five dollars ($25) for each instance in which the closing agent fails to comply with this section with respect to a customer. The penalty:

(1) may be enforced by the state agency that has administrative jurisdiction over the closing agent in the same manner that the agency enforces the payment of fees or other penalties payable to the agency; and
(2) shall be paid into:
(A) the state general fund, if the closing agent fails to comply with subsection (b); or
(B) the home ownership education account established by IC 5-20-1-27, if the closing agent fails to comply with subsection (e) in a transaction that is closed after December 31, 2009.

(h) A closing agent is not liable for any other damages claimed by a customer because of:

(1) the closing agent's mere failure to provide the appropriate document to the customer under subsection (b); or
(2) with respect to a transaction that is closed after December 31, 2009, the closing agent's failure to input the information or submit the form described in subsection (e).

(i) The state agency that has administrative jurisdiction over a closing agent shall:

(1) examine the closing agent to determine compliance with this section; and
(2) impose and collect penalties under subsection (g).

SECTION 7. IC 6-1.1-12-46, AS AMENDED BY P.L.181-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 46. (a) This section applies to real property for an assessment date in 2011 or a later year if:

(1) the real property is not exempt from property taxation for the assessment date;
(2) title to the real property is transferred after the assessment date and on or before the December 31 that next succeeds the assessment date;
(3) the transferee of the real property applies for an exemption under IC 6-1.1-11 for the next succeeding assessment date; and
(4) the county property tax assessment board of appeals determines that the real property is exempt from property taxation for that next succeeding assessment date.

(b) For the assessment date referred to in subsection (a)(1), real property is eligible for any deductions for which the transferor under subsection (a)(2) was eligible for that assessment date under the following:

(1) IC 6-1.1-12-1.
(2) IC 6-1.1-12-9.
(3) IC 6-1.1-12-11.
(4) IC 6-1.1-12-13.
(5) IC 6-1.1-12-14.
(6) IC 6-1.1-12-16.
(7) IC 6-1.1-12-17.4 (before its expiration).
(8) IC 6-1.1-12-18 (before its expiration).
(9) IC 6-1.1-12-22 (before its expiration).
(10) IC 6-1.1-12-37.
~~(11) IC 6-1.1-12-37.5.~~

(c) For the payment date applicable to the assessment date referred to in subsection (a)(1), real property is eligible for the credit for excessive residential property taxes under IC 6-1.1-20.6 for which the transferor under subsection (a)(2) would be eligible for that payment date if the transfer had not occurred.".

Page 2, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 9. IC 6-1.1-17-0.5, AS AMENDED BY P.L.184-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 0.5. (a) For purposes of this section, "net assessed value" means assessed value after the application of deductions, exemptions, and abatements.

(b) The county auditor may exclude and keep separate on the tax duplicate for taxes payable in a calendar year the net assessed value of tangible property that meets the following conditions:

(1) The net assessed value of the property is at least nine percent (9%) of the net assessed value of all tangible property subject to taxation by a taxing district.

(2) The property is or has been part of a bankruptcy estate that is subject to protection under the federal bankruptcy code.

(3) The owner of the property has discontinued all business operations on the property.

(4) There is a high probability that the taxpayer will not pay property taxes due on the property in the following year.

(c) This section does not limit, restrict, or reduce in any way the property tax liability on the property.

(d) For each taxing district located in the county, the county auditor may reduce for a calendar year the taxing district's net assessed value that is certified to the department of local government finance under section 1 of this chapter and used to set tax rates for the taxing district for taxes first due and payable in the immediately succeeding calendar year. The county auditor may reduce a taxing district's net assessed value under this subsection only to enable the taxing district to absorb the effects of reduced property tax collections in the immediately succeeding calendar year that are expected to result from any or a combination of the following:

(1) Successful appeals of the assessed value of property located in the taxing district.

(2) Deductions under IC 6-1.1-12-37 ~~and IC 6-1.1-12-37.5~~ that result from the granting of applications for the standard deduction for the calendar year under IC 6-1.1-12-37 or IC 6-1.1-12-44 after the county auditor certifies net assessed value as described in this section.

(3) Deductions that result from the granting of applications for deductions for the calendar year under IC 6-1.1-12-44 after the county auditor certifies net assessed value as described in this section.

(4) Reassessments of real property under IC 6-1.1-4-11.5.

Not later than July 31 of each year, the county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and to the department of local government finance. The certified statement must list any adjustments to the amount of the reduction under this subsection and the information submitted under section 1 of this chapter that are necessary. The county auditor shall keep separately on the tax duplicate the amount of any reductions made under this subsection. The maximum amount of the reduction authorized under this subsection is determined under subsection (e).

(e) The amount of the reduction in a taxing district's net assessed value for a calendar year under subsection (d) may not exceed two percent (2%) of the net assessed value of tangible property subject to assessment in the taxing district in that calendar year.

(f) The amount of a reduction under subsection (d) may not be offered in a proceeding before the:

(1) county property tax assessment board of appeals;

(2) Indiana board; or

(3) Indiana tax court;

as evidence that a particular parcel has been improperly assessed.

SECTION 10. IC 6-1.1-18.5-13, AS AMENDED BY P.L.159-2020, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) With respect to an appeal filed under section 12 of this chapter, the department may find that a civil taxing unit should receive any one (1) or more of the following types of relief:

(1) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 or 25 of this chapter, as applicable, if in the judgment of the department the increase is reasonably necessary due to increased costs of the civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services by the civil taxing unit to additional geographic areas. With respect to annexation, consolidation, or other extensions of governmental services in a calendar year, if those increased costs are incurred by the civil taxing unit in that calendar year and more than one (1) immediately succeeding calendar year, the unit may appeal under section 12 of this chapter for permission to increase its levy under this subdivision based on those increased costs in any of the following:

(A) The first calendar year in which those costs are incurred.

(B) One (1) or more of the immediately succeeding four (4) calendar years.

(2) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 or 25 of this chapter, as applicable, if the department finds that the quotient determined under STEP SIX of the following formula is equal to or greater than one and two-hundredths (1.02):

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property and:

(i) for a particular calendar year before 2007, the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular calendar year; or

(ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008 **(before its repeal);**

divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the total assessed value of all taxable property in all counties and:

(i) for a particular calendar year before 2007, the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular calendar year; or

(ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in all counties under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that

applied in the unit under IC 6-1.1-12-37.5 in 2008 **(before its repeal);**
divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.
STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).
STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount.
The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 or 25 of this chapter, as applicable, based on the maximum levy growth quotient determined under section 2 of this chapter.
(3) A levy increase may be granted under this subdivision only for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 or 25 of this chapter, as applicable, if the civil taxing unit cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 or 25 of this chapter, as applicable, due to a natural disaster, an accident, or another unanticipated emergency.

(b) The department of local government finance shall increase the maximum permissible ad valorem property tax levy under section 3 of this chapter for the city of Goshen for 2012 and thereafter by an amount equal to the greater of zero (0) or the result of:
(1) the city's total pension costs in 2009 for the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7); minus
(2) the sum of:
(A) the total amount of state funds received in 2009 by the city and used to pay benefits to members of the 1925 police pension fund (IC 36-8-6) or the 1937 firefighters' pension fund (IC 36-8-7); plus
(B) any previous permanent increases to the city's levy that were authorized to account for the transfer to the state of the responsibility to pay benefits to members of the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7).".

Page 8, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 14. IC 6-1.1-36-17, AS AMENDED BY P.L.85-2017, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) As used in this section, "nonreverting fund" refers to a nonreverting fund established under subsection (d).

(b) If a county auditor makes a determination that property was not eligible for a standard deduction under IC 6-1.1-12-37 in a particular year within three (3) years after the date on which taxes for the particular year are first due, the county auditor may issue a notice of taxes, interest, and penalties due to the owner that improperly received the standard deduction and include a statement that the payment is to be made payable to the county auditor. The additional taxes and civil penalties that result from the removal of the deduction, if any, are imposed for property taxes first due and payable for an assessment date occurring before the earlier of the date of the notation made under subsection (c)(2)(A) or the date a notice of an ineligible homestead lien is recorded under subsection (e)(2) in the office of the county recorder. The notice must require full payment of the amount owed within:
(1) one (1) year with no penalties and interest, if:
(A) the taxpayer did not comply with the requirement to return the homestead verification form under IC 6-1.1-22-8.1(b)(9) (expired January 1, 2015); and
(B) the county auditor allowed the taxpayer to receive the standard deduction in error; or
(2) thirty (30) days, if subdivision (1) does not apply.
With respect to property subject to a determination made under this subsection that is owned by a bona fide purchaser without knowledge of the determination, no lien attaches for any additional taxes and civil penalties that result from the removal of the deduction.

(c) If a county auditor issues a notice of taxes, interest, and penalties due to an owner under subsection (b), the county auditor shall:
(1) notify the county treasurer of the determination; and
(2) do one (1) or more of the following:
(A) Make a notation on the tax duplicate that the property is ineligible for the standard deduction and indicate the date the notation is made.
(B) Record a notice of an ineligible homestead lien under subsection (e)(2).

(d) Each county auditor shall establish a nonreverting fund. Upon collection of the adjustment in tax due (and any interest and penalties on that amount) after the termination of a deduction or credit as specified in subsection (b), the county treasurer shall deposit that amount:
(1) in the nonreverting fund, if the county contains a consolidated city; or
(2) if the county does not contain a consolidated city:
(A) in the nonreverting fund, to the extent that the amount collected, after deducting the direct cost of any contract, including contract related expenses, under which the contractor is required to identify homestead deduction eligibility, does not cause the total amount deposited in the nonreverting fund under this subsection for the year during which the amount is collected to exceed one hundred thousand dollars ($100,000); or
(B) in the county general fund, to the extent that the amount collected exceeds the amount that may be deposited in the nonreverting fund under clause (A).

(e) Any part of the amount due under subsection (b) that is not collected by the due date is subject to collection under one (1) or more of the following:
(1) After being placed on the tax duplicate for the affected property and collected in the same manner as other property taxes.
(2) Through a notice of an ineligible homestead lien recorded in the county recorder's office without charge.
The adjustment in tax due (and any interest and penalties on that amount) after the termination of a deduction or credit as specified in subsection (b) shall be deposited as specified in subsection (d) only in the first year in which that amount is collected. Upon the collection of the amount due under subsection (b) or the release of a lien recorded under subdivision (2), the county auditor shall submit the appropriate documentation to the county recorder, who shall amend the information recorded under subdivision (2) without charge to indicate that the lien has been released or the amount has been paid in full.

(f) The amount to be deposited in the nonreverting fund or the county general fund under subsection (d) includes adjustments in the tax due as a result of the termination of deductions or credits available only for property that satisfies the eligibility for a standard deduction under IC 6-1.1-12-37, including the following:
~~(1) Supplemental deductions under IC 6-1.1-12-37.5.~~
~~(2)~~ **(1)** Homestead credits under IC 6-1.1-20.4, IC 6-3.6-5, IC 6-3.6-11-3, or any other law.
~~(3)~~ **(2)** Credit for excessive property taxes under IC 6-1.1-20.6-7.5 or IC 6-1.1-20.6-8.5.
Any amount paid that exceeds the amount required to be deposited under subsection (d)(1) or (d)(2) shall be distributed

as property taxes.

(g) Money deposited under subsection (d)(1) or (d)(2) shall be treated as miscellaneous revenue. Distributions shall be made from the nonreverting fund established under this section upon appropriation by the county fiscal body and shall be made only for the following purposes:

(1) Fees and other costs incurred by the county auditor to discover property that is eligible for a standard deduction under IC 6-1.1-12-37.

(2) Other expenses of the office of the county auditor.

The amount of deposits in a reverting fund, the balance of a nonreverting fund, and expenditures from a reverting fund may not be considered in establishing the budget of the office of the county auditor or in setting property tax levies that will be used in any part to fund theoffice of the county auditor.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 275 as printed March 25, 2021.)

JACOB

Upon request of Representatives Jacob and Nisly, the Speaker ordered the roll of the House to be called. Roll Call 322: yeas 4, nays 89. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 349

Representative Soliday called down Engrossed Senate Bill 349 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 349–1)

Mr. Speaker: I move that Engrossed Senate Bill 349 be amended to read as follows:

Page 2, line 4, delete "Not" and insert "**Except as provided in subsection (h), not**".

Page 2, line 6, delete "tax legislation:" and insert "**legislation, a water or wastewater utility shall petition the commission for**".

Page 2, delete lines 7 through 9.

Page 2, run in lines 6 through 10.

Page 2, line 15, after "on" insert "**a**".

Page 2, line 18, delete "and".

Page 2, line 20, after "state" insert "**income**".

Page 2, line 21, after "the" insert "**income**".

Page 2, line 24, after "state" insert "**income**".

Page 2, line 25, after "new" insert "**income**".

Page 2, line 27, delete "approval." and insert "**approval; and**

(3) shall not include normalization of a water or wastewater utility's accumulated deferred income taxes. However, the commission may address the issues described in this subdivision in a sub-docket created by the commission.

(d) The commission shall approve a surcharge under this section if the commission finds that:

(1) the surcharge has been calculated correctly under subsection (c); and

(2) the water or wastewater utility's proposal is just and reasonable.".

Page 2, line 28, delete "(d)" and insert "**(e)**".

Page 2, line 28, delete "tax".

Page 2, between lines 31 and 32, begin a new paragraph and insert:

"**(f) This section shall not be construed to limit the commission's authority to:**

(1) initiate proceedings; or

(2) take actions;

to ensure just and reasonable rates in connection with any new legislation.".

Page 2, line 32, delete "(e)" and insert "**(g)**".

Page 2, between lines 33 and 34, begin a new paragraph and insert:

"**(h) A water or wastewater utility that serves fewer than eight thousand (8,000) customers may, but is not required to, file a petition under subsection (b).**".

(Reference is to ESB 349 as printed March 23, 2021.)

SOLIDAY

Motion prevailed. The bill was ordered engrossed.

Representative Teshka, who had been excused, is now present.

Engrossed Senate Bill 383

Representative T. Brown called down Engrossed Senate Bill 383 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 383–5)

Mr. Speaker: I move that Engrossed Bill 383 be amended to read as follows:

Page 28, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 11. IC 6-3-2-10, AS AMENDED BY P.L.182-2009(ss), SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 10. (a) An individual who received unemployment compensation, as defined in subsection (c), during the taxable year is entitled to a deduction from the individual's adjusted gross income for that taxable year in the amount determined using the following formula:

STEP ONE: Determine the greater of zero (0) or the difference between:

(A) the sum of:

(i) the federal adjusted gross income of the individual (or the individual and the individual's spouse, in the case of a joint return), as defined in Section 62 of the Internal Revenue Code; plus

(ii) the amount of unemployment compensation excluded from federal gross income, as defined in Section 61 of the Internal Revenue Code, under Section 85(c) of the Internal Revenue Code; minus

(B) the base amount as defined in subsection (b).

STEP TWO: Determine the greater of zero (0) or the difference between:

(A) the individual's unemployment compensation for the taxable year; minus

(B) one-half (1/2) of the amount determined under STEP ONE.

(b) As used in this section, "base amount" means:

(1) twelve thousand dollars ($12,000) in all cases not covered by subdivision (2) or (3);

(2) eighteen thousand dollars ($18,000) in the case of an individual who files a joint return for the taxable year; or

(3) zero (0), in the case of an individual who:

(A) is married at the close of the taxable year, as determined under Section 143 of the Internal Revenue Code;

(B) does not file a joint return for the taxable year; and

(C) does not live apart from the individual's spouse at all times during the taxable year.

(c) As used in this section, "unemployment compensation" means the amount of unemployment compensation that is included in the individual's federal gross income under Section 85 of the Internal Revenue Code.

(d) This section applies to taxable years beginning before January 1, 2020, or beginning after December 31, 2020.

SECTION 12. IC 6-3-2-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: **Sec. 10.5. (a) This section applies only to a taxable year beginning after December 31, 2019, and before January 1, 2021.**

(b) As used in this section, "unemployment compensation" means the amount of unemployment compensation that is included in federal gross income (as defined in Section 61 of the Internal Revenue Code) under Section 85 of the Internal Revenue Code.

(c) An individual, or each spouse in the case of a married couple filing a joint return, who received unemployment compensation during the taxable year described in subsection (a) is entitled to a deduction from adjusted gross income for that taxable year equal to the lesser of:

(1) the amount of unemployment compensation excluded from federal gross income under Section 85(c) of the Internal Revenue Code, as added by the American Rescue Plan Act of 2021 (P.L. 117-2); or

(2) ten thousand two hundred dollars ($10,200).

(d) This section expires January 1, 2025.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 383 as printed March 25, 2021.)

SLAGER

Motion prevailed.

HOUSE MOTION
(Amendment 383–3)

Mr. Speaker: I move that Engrossed Senate Bill 383 be amended to read as follows:

Page 5, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 4. IC 6-2.5-1-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 12.5. "Children's diapers" means disposable or reusable diapers marketed to be worn by children.**

SECTION 5. IC 6-2.5-1-15.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 15.7. "Diaper" means an absorbent garment worn by humans who are incapable of, or have difficulty, controlling their bladder or bowel movements.**".

Page 6, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 8. IC 6-2.5-5-56 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 56. Transactions involving children's diapers are exempt from the state gross retail tax.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 383 as printed March 25, 2021.)

M. BAUER

Upon request of Representatives Pryor and GiaQuinta, the Speaker ordered the roll of the House to be called. Roll Call 323: yeas 28, nays 65. Motion failed.

HOUSE MOTION
(Amendment 383–4)

Mr. Speaker: I move that Engrossed Senate Bill 383 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-10-22-1, AS AMENDED BY P.L.146-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) After the end of the state fiscal year beginning July 1, 2015, and ending June 30, 2016, and after the end of each odd-numbered state fiscal year thereafter, the office of management and budget shall calculate in the customary manner the total amount of state reserves as of the end of the state fiscal year. The office of management and budget shall make the calculation not later than July 31, 2016, and not later than July 31 of each odd-numbered year thereafter. **In 2021, the office of management and budget must also report on all actual and proposed uses of the American Rescue Plan Act of 2021 (P.L. 117-2) funds.**

(b) The office of management and budget may not consider a balance in the state tuition reserve account established by IC 4-12-1-15.7 when making the calculation required by subsection (a) in 2017 and in an odd-numbered year thereafter.

(c) The office of management and budget shall consider a balance in the state tuition reserve account established by IC 4-12-1-15.7 when making the calculation required by subsection (a) in 2016.

SECTION 2. IC 4-10-22-2, AS AMENDED BY P.L.146-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. If:

(1) the total amount of state reserves calculated by the office of management and budget exceeds:

(A) eleven and five-tenths percent (11.5%) of the general revenue appropriations for the current state fiscal year, in the case of a calculation made in calendar year 2016; or

(B) twelve and five-tenths percent (12.5%) of the general revenue appropriations for the current state fiscal year, in the case of a calculation made in 2017 and in an odd-numbered year thereafter; and

(2) the accounts payable by the state at the end of the preceding state fiscal year are not unusually large as a percentage of the total amount of state reserves (as compared to recent history);

the governor shall make a ~~presentation~~ **proposal** to the state budget committee **and the Indiana general assembly** regarding the disposition of excess state reserves under section 3 of this chapter **and all American Rescue Plan Act of 2021 (P.L. 117-2) funds.** The ~~presentation~~ **proposal** must be made ~~not later than September 30, 2016, not later than September 30, 2017, and not later than September 30 of each odd-numbered year thereafter.~~ **annually on organization day for the Indiana general assembly.**

SECTION 3. IC 4-10-22-3, AS AMENDED BY P.L.146-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) ~~This subsection does not apply in calendar year 2016.~~ If, after completing the ~~presentation~~ **proposal** to the state budget committee **and Indiana general assembly** described in section 2 of this chapter, the amount of the excess reserves is fifty million dollars ($50,000,000) or more, the governor shall do the following:

(1) If the year is calendar year 2013, transfer one hundred percent (100%) of the excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund. If the year is calendar year 2014 or the calendar year is 2017 or an odd-numbered year thereafter, transfer fifty percent (50%) of any excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund.

(2) If the year is calendar year 2014 or the calendar year is 2017 or an odd-numbered year thereafter, use fifty percent (50%) of any excess reserves for the purposes of providing an automatic taxpayer refund under section 4 of this chapter.

(b) This subsection applies in calendar year 2016. If excess reserves exist, and after completing the calculation required in section 1 of this chapter and the presentation to the state budget committee described in section 2 of this chapter, the governor shall transfer one hundred percent (100%) of the excess reserves as follows:

(1) Fifty-five percent (55%) of the excess reserves transferred shall be transferred to the state highway fund.

(2) Forty-five percent (45%) of the excess reserves transferred shall be transferred to the local road and bridge matching grant fund established by IC 8-23-30.

This transfer shall be made from the state general fund. Money transferred to the state highway fund under this subsection is appropriated from the state highway fund to the Indiana department of transportation for the Indiana department of transportation's use for preserving and reconstructing existing state highways and bridges for which the Indiana department of transportation is responsible. Money transferred to the state highway fund under this subsection does not revert to the state general fund at the end of a state fiscal year.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 383 as printed March 25, 2021.)

DELANEY

Motion prevailed. The bill was ordered engrossed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1123 Conferees: Huston and GiaQuinta

Representative Austin, who had been present, is now excused.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 3

Representative Lindauer called down Engrossed Senate Bill 3 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 324: yeas 91, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 17

Representative Speedy called down Engrossed Senate Bill 17 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 325: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 54

Representative Behning called down Engrossed Senate Bill 54 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 326: yeas 87, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 97

Representative Lehe called down Engrossed Senate Bill 97 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 327: yeas 87, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 98

Representative Davis called down Engrossed Senate Bill 98 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 328: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 204

Representative Young called down Engrossed Senate Bill 204 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 329: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 234

Representative Miller called down Engrossed Senate Bill 234 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 330: yeas 89, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 240

Representative Mayfield called down Engrossed Senate Bill 240 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 331: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 255

Representative Young called down Engrossed Senate Bill 255 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 332: yeas 89, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 316

Representative Bartels called down Engrossed Senate Bill 316 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 333: yeas 90, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 332

Representative Miller called down Engrossed Senate Bill 332 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 334: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed House Bill 361

Representative Mayfield called down Engrossed Senate Bill 361 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of Senate Bill 361. Pursuant to House Rule 168, I cannot be fully objective when considering the proposition. I currently have a legal action related to the subject matter of the bill.

JETER

Motion prevailed.

Roll Call 335: yeas 68, nays 24. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 365

Representative Schaibley called down Engrossed Senate Bill 365 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 336: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 396

Representative Frye called down Engrossed Senate Bill 396 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 337: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Act 1177 on March 29.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 143 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be removed as cosponsor of Engrossed Senate Bill 54 and Representatives Clere and V. Smith be added as cosponsor.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Smaltz be removed as first sponsor and Representative Mayfield be substituted therefor as sponsor of Engrossed Senate Bill 144.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cherry be added as cosponsor of Engrossed Senate Bill 263.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Lindauer, Hamilton and Harris be added as cosponsors of Engrossed Senate Bill 316.

BARTELS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Cherry and Judy be added as cosponsors of Engrossed Senate Bill 336.

SPEEDY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Wesco be added as cosponsor of Engrossed Senate Bill 361.

MAYFIELD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Manning and Jeter be added as cosponsors of Engrossed Senate Bill 386.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ellington be added as cosponsor of Engrossed Senate Bill 396.

FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Barrett be added as coauthor of House Concurrent Resolution 33.

BARTLETT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Andrade, Austin, Bartlett, M. Bauer, Boy, Campbell, DeLaney, Errington, Fleming, GiaQuinta, Gore, Hamilton, Harris, Hatcher, Jackson, Johnson, Klinker, Moseley, Pack, Pfaff, Pierce, Porter, Pryor, Shackleford, V. Smith and Summers be added as cosponsors of Senate Concurrent Resolution 14.

HUSTON

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1123 with amendments and the same is herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

On the motion of Representative O'Brien, the House adjourned at 4:43 p.m., this thirtieth day of March, 2021, until Thursday, April 1, 2021, at 10:30 a.m.

TODD M. HUSTON
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives